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January 17, 2001

**EX PARTE**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, TW-A325  
Washington, D.C. 20554

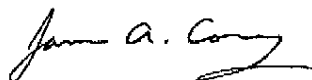
Re: **Mescalero Apache Telecom, Inc., GTE Southwest Incorporated, and Valor Telecommunications of New Mexico, LLC Seek a Waiver of the Definition of "Study Area" in Part 36 and a Waiver of Various of the Commission's Rules, DA 00-1824, CC Docket No. 96-45**

Dear Ms. Salas:

As requested by Commission staff, Mescalero Apache Telecom, Inc. (MATI), by counsel, submits a copy of a letter from the National Exchange Carrier Association (NECA) stating that NECA does not object to the inclusion in the common line pool before July 1, 2001, of the access lines for the "Mescalero Exchange," which are being acquired by MATI.

Please do not hesitate to contact the undersigned with any comments or further questions.

Respectfully Submitted,



James A. Casey  
Counsel for Mescalero Apache Telecom, Inc.

Enclosure

cc: Paul Garnett

**NECA** NATIONAL EXCHANGE  
CARRIER ASSOCIATION

80 South Jefferson Road  
Whippany, NJ 07981

Richard A. Askoff  
Deputy General Counsel

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January 11, 2001

Mr. Godfrey Enjady  
General Manager  
Mescalero Apache Telecom, Inc.  
104 Chiricahua Plaza  
P. O. Box 229  
Mescalero, NM 88340

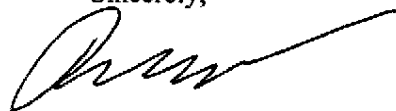
Dear Godfrey:

On June 30, 2000, Mescalero Apache Telecom, Inc. GTE Southwest Incorporated and Valor Telecommunications of New Mexico, LLC ( Petitioners) filed a Joint Petition for Expedited Waiver of Commission's "frozen study area" rule and price cap "all or nothing" rule, as well as other related rules, in connection with the transfer of approximately 950 access lines from GTE to Mescalero in New Mexico.<sup>1</sup>

The waivers are necessary to (1) enable GTE to delete the Mescalero exchange from its New Mexico study area; (2) enable Mescalero to incorporate this exchange to its newly-created New Mexico study area; and (3) allow Mescalero to include the revenue, expense and investment data associated with the acquired exchange in its settlements for the New Mexico study area to NECA, thereby pooling these data, and bringing the exchange under rate-of-return regulation.

NECA has reviewed the subject Petition, and has no objection to inclusion of the subject access lines in the common line pool. Mescalero requests its waiver, to the extent that its "common line tariff participation" may be precluded until "the next annual access tariff filing effective date following consummation of the merger or acquisition transaction."<sup>2</sup> Absent the waiver, then, Mescalero would be prevented from receiving interstate access settlements from NECA for the acquired exchange until July 1, 2001. However, inclusion of the acquired access lines in NECA's tariff, effective on March 1, 2001 (or as soon as Mescalero begins offering service pursuant to FCC waiver), will create no undue administrative burden for NECA, nor will it result in any disadvantage to other tariff participants.

Sincerely,



R. A. Askoff

cc: James A. Casey  
Greenberg Traurig, LLC

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<sup>1</sup> See Mescalero Apache Telecom, Inc. *et. al. Joint Petition for Expedited Waiver*, CC Docket 96-45, filed June 30, 2000 (Petition).

<sup>2</sup> *Id.* At 16.